



**THE CITY OF NEW YORK
LAW DEPARTMENT**

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

100 CHURCH STREET
NEW YORK, NY 10007

PHILIP S. FRANK
phone: (212) 356-0886
fax: (212) 356-1148
pfrank@law.nyc.gov

July 1, 2022

BY ECF

Honorable Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Osias v. Schralda, et al.*, 22-cv-0870 (LGS)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, attorney for Defendants City of New York and the former New York City Department of Correction Commissioner Vincent Schiraldi in the above-referenced matter. Plaintiff alleges that his constitutional rights were violated stemming from the conditions of his confinement.

I write pursuant to the Court's Order dated June 30, 2022 (Dkt. No. 26), directing Defendant City by July 1, 2022, at 12:00 p.m., to file a letter stating whether Plaintiff's facility will produce him for the initial pretrial conference scheduled for July 6, 2022, at 4:30 p.m.. By way of background, by Order dated June 3, 2022 (Dkt. No. 18), the Court directed Defendant City to file a letter by June 29, 2022, confirming that Plaintiff's facility will produce him for the conference. Unfortunately, due to an oversight by this office, Defendant City did not file the letter with the Court. I apologize to the Court for both this office's oversight and for the lateness of this submission.

Last night, it came to this office's attention that three days ago, on June 28, 2022, Plaintiff was transferred to State custody. According to the New York State Department of Corrections and Community Supervision Inmate Lookup website, available at <https://nysdocslookup.doccs.ny.gov/> (last visited on July 1, 2022), Plaintiff's current State facility has not yet been listed on the website. Unfortunately, therefore, although this office had previously made arrangements for Plaintiff's prior New York City Department of Correction facility to produce Plaintiff, given Plaintiff's recent transfer to State custody, this office cannot

arrange to have Plaintiff's current facility to produce him for the conference. Indeed, this office does not have in its possession Plaintiff's current address at a State facility.

Accordingly, Defendants respectfully request that the Court adjourn the initial pretrial conference to allow Plaintiff to provide the Court and this office with his current address and to enable Defendant to arrange to have Plaintiff's current State facility to produce him for the conference.

I thank the Court for its consideration of this request.

Respectfully submitted,

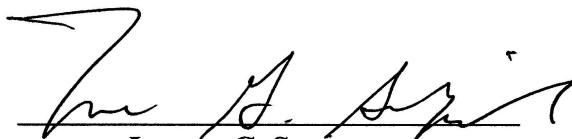
/s/

Philip S. Frank
Assistant Corporation Counsel

cc: **BY FIRST CLASS MAIL**
Ruddy Osias
Plaintiff *Pro Se*
NYSID: 00016464N
DIN: 3492001672
VCBC
1 Halleck Street
Bronx, NY 10474

The application is **GRANTED**. The initial pretrial conference scheduled for July 6, 2022, is **adjourned to July 20, 2022, at 4:30 p.m.**, on the following conference line: 888-363-4749, access code: 558-3333. By **July 13, 2022**, the City shall file a letter confirming that Plaintiff's facility will produce him for the conference. The Clerk of Court is respectfully directed to close the motion at Docket No. 28 and mail a copy of this letter to Pro se Plaintiff.

Dated: July 5, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE